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Application No. 03 020 853.2 - 2104	Ref. 616-76EP	Date 31.08.2007
Applicant Enpar Technologies Inc.		

Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).



Glod, Guy
Primary Examiner
for the Examining Division

Enclosure(s): 3 page/s reasons (Form 2906)

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Date 31.08.2007Blatt
Sheet 1
FeuilleAnmelde-Nr.:
Application No.: 03 020 853.2
Demande n°:

The examination is being carried out on the following application documents:

Description, Pages

1-17 as originally filed

Claims, Numbers

1-20 filed with telefax on 18.04.2006

Drawings, Sheets

1-4 as originally filed

1. The amendments filed with the letter dated 18.04.2006 introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 123(2) EPC. The amendments concerned are the following:

- 1a. In claim 1 some features were introduced that are not unambiguously derivable from the description and figures 1 and 2 and that are even contradictory: there is no separate ammonium-transfer station: the original application discloses an ammonium-extraction-and-transfer station that is either the ion-exchange-station or the alkali-acid station. From there the water is transferred to a regeneration tank; the term "intermediate tank" is broader and finds no basis in the original application. For the expression "which is one of the water-containment components" there is also no basis in the original application. The electrolysis station cannot be considered as one of the components of the secondary water circuit since original claim 1 indicates that the secondary water is conveyed between the ammonium-transfer station and the electrolysis station. The water exiting the electrolytic cell cannot be considered as secondary water since it is treated water with a different composition than the secondary water in the regeneration tank. The expression "ammonium station" finds no basis in the original application and cannot be deduced from the figures since it has no well-defined meaning. — it doesn't appear in claim 1!

- 1b. In claim 2: "means for adjusting the pH level" is broader than reservoir of caustic or hydrochloric acid; the expression "intermediate tank" has no basis in the original application.

- 1c. Claim 3 in its broadness has no basis in the original application.

§ 6067 - secondary water phases are not separated

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- 1d. The features of claims 4-8 have no basis in the original application.
- 1e. Claim 11: the feature "the apparatus is operable to perform the electrolysis periodically, while the body of secondary-water is recirculating through the ammonium-transfer station" has no basis in the original application.
- 1f. Claim 12: according to the original application paragraph 57, line 4, the secondary water can be characterized as brine; there is no basis for "including" brine.
- 1g. Claim 17: there is no basis in the original application; the apparatus of claim 1 is not limited to the reduction of the concentration of ammonium in secondary water, but to the reduction of the concentration of ammonium in waste water. *in secondary too!*
- 1h. Claims 18-20: *what?* it is a generalization of figures 1 and 2 for which there is no basis in the application. The whole application only discloses an ammonium-extraction and-transfer station in combination with an electrolysis station. There is no basis for omitting the ammonium-extraction and-transfer station.
2. The application does not meet the requirements of Article 84 EPC, because claims 1-15 and 17 are not clear.
- 2a. Claim 1 relates to an apparatus, but is defined by numerous process features that are *to what??* in addition unclear. Paragraphs 17 to 24 of claim 1 relate largely to the way the apparatus is operated and not to apparatus features themselves. The expression secondary water is unclear since it is used for different types of water (water in regeneration tank and treated water). *but that's not treated waste water*
- 2b. The expression "secondary water" in independent claim 17 has no well-recognized meaning. *capable of being*
3. No search report has been drawn up for the subject-matter of claim 16. The subject-matter of claim 16 has to be excised and may be made the subject of one or more divisional applications (G2/92). The divisional applications must be filed directly at the European Patent Office in Munich or its branch at The Hague and in the language of

*claim 16 further
limits the subject matter of claims 12, 14*



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the proceedings relating to the present application, cf. Article 76(1) and Rule 4 EPC.
The time limit for filing divisional applications (Rule 25(1) EPC) must be observed.

4. Once an acceptable set of claims with respect to Article 123(2) EPC and Article 84 EPC has been submitted, novelty and inventive step can be examined.
5. When submitting a new set of claims the applicant should also consider the novelty and inventive step objections made in the first communication. In case the applicant does not **indicate the exact basis for the amendments (see Guidelines E-II, 1)**, the examining division will not accept the amendments in view of Rule 86(3) EPC.